

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**KEJUANA BEAVER,
Individually and on Behalf of All
Others Similarly Situated,**

Plaintiffs,

**Case No. 2:20-cv-485
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Chelsey M. Vascura**

v.

**EASTLAND MALL HOLDINGS,
LLC, *et al.*,**

Defendants.

ORDER GRANTING ATTORNEY FEES

This matter is before the Court on Plaintiffs' Motion for Supplemental Attorneys' Fees and Costs (ECF No. 46). For the following reasons, Plaintiffs' motion is **GRANTED**.

I. Background

Named Plaintiffs¹ filed this action on January 28, 2020, alleging violations of the Fair Labor Standards Act and Ohio wage law against Defendants Eastland Mall Holdings, LLC, and Group 7 Staffing, LLC. (Compl., ECF No. 1; Second Am. Compl., ECF No. 15.) On March 22, 2021, the Court granted Plaintiffs' motions for Default Judgement and for attorneys' fees and costs associated with perfecting service upon Defendants. (ECF No. 27.)

On June 28, 2021, following a hearing, the Court entered final judgment against Defendants on all claims and awarded Plaintiffs damages in the amount of \$28,364.00. (Op. & Order, ECF No. 33.) The Court also awarded Plaintiffs their additional reasonable attorneys' fees in the amount of \$30,219.00 and costs in the amount of \$586.25. The Court further held that

¹ Kejuana Beaver, Askia Lamar Champion, Oscar Baylor, Jr., and Desyre Whitehead.

Plaintiffs may file a motion for attorneys' fees associated with the damages hearing and collecting judgment from Defendants. (*Id.* at 2.)

On August 13, 2021, Defendant Eastland Mall Holdings, LLC moved the Court for relief from default judgment. (ECF No. 39.) Plaintiffs filed a response in opposition. (ECF No. 40.) The Court held an evidentiary hearing on March 17, 2022. On March 23, 2022, the Court issued an Order denying Defendant's motion. (ECF No. 45.)

Plaintiffs now move this Court for an Order awarding them supplemental attorneys' fees and expenses incurred since the Court's entry of final judgment on June 28, 2021. (Pl.'s Mot., ECF No. 46.) Defendants did not file an response in opposition.

II. Law and Analysis

The FLSA and Ohio law allows the prevailing party to recover reasonable attorney fees, litigation expenses and costs incurred in furtherance of the action. 29 U.S.C. § 216(b); R.C. § 4111.10(A). Plaintiff reports that Defendants have failed to pay the judgment or any attorney fees and costs ordered by the Court on June 28, 2021. Because Plaintiffs' attorneys have spent additional time attempting to collect judgment from Defendants and opposing Defendant Eastland Mall Holdings' motion for relief from default judgment, Plaintiffs are entitled to additional attorneys' fees and costs.

A. Attorneys' Fees

Since June 28, 2021, Plaintiffs have spent an additional 28.6 hours of attorney time perfecting the judgment and defending against Defendants' motion for relief from judgment. Plaintiffs seek an award of their attorneys' fees at the same hourly rate this Court approved earlier in this litigation, \$335.00 per hour. (*See* Doc. No. 31-1 & Order, Doc. No. 33.) Plaintiffs are entitled to an additional award of 28.6 hours x \$335.00 = \$9,581.00 in attorney fees.

B. Litigation Costs

Plaintiffs have incurred an additional \$445.58 in out-of-pocket expenses since the Court's entry of final judgment on June 28, 2021. (*See* Itemized Costs & Expenses, ECF No. 46-1, Ex. A-2). The costs and expenses requested are those that would be billed to a fee-paying client. *See Waldo v. Consumers Energy Co.*, 726 F.3d 802, 827 (6th Cir. 2013). The Court awards Plaintiffs \$445.58 in costs and expenses.

III. Conclusion

For the reasons above, the Court **GRANTS** Plaintiffs' motion for supplemental attorneys' fees and litigation costs (ECF No. 46). Plaintiffs are **AWARDED** \$10,026.58 in supplemental attorneys' fees and litigation costs. This case remains closed.

IT IS SO ORDERED.

5/9/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE